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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,914	01/18/2001	Galen Mark Gareis	6500-1583.2	8471

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06/19/2002

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EXAMINER

MAYO III, WILLIAM H

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,914

Applicant(s)

GAREIS ET AL.

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5 and 8 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2002 has been entered.

Information Disclosure Statement

2. The information disclosure statement filed March 25, 2002 has been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

Claim Objections

3. Claim 13 is objected to because of the following informalities: In claim 13, line 1, replace the terms "wherein said projection", with the terms —wherein each projection—.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 11 recites the limitation "said plurality of adjacent splines" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim because there has not been any previous reference to a plurality of adjacent splines in previous lines of the claims.

7. Claims 12-13 are depended upon a rejected claim and therefore are rejected.

Treatment of Claims

8. The examiner assumes that the applicant intends to state "a plurality of adjacent projections" rather than "a plurality of adjacent splines".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda et al (JP Pat Num 4-332406, herein referred to as Ikeda). Ikeda discloses a shield cable (Figs 1-4) capable of being used as a communications cable (i.e. data cable, Page 2, lines 7-10). Specifically, with respect to claim 11, Ikeda discloses a data cable (Fig 1) that may have a plurality of twisted pairs conductors (9, as shown in Fig 4a) and an interior support (1) comprising a longitudinally extending central portion (2) forming the core of the support (1), a plurality of projections (denoted by examiner as reference number 25) radially extending from the central portion (2), wherein each one of the projections (25) is adjacent to two other projections (25) thereby forming a plurality of projections (25), a different passage (3) defined by each of the plurality of adjacent projections (25), wherein one twisted pair conductor (9) from the plurality of twisted pairs (9) is disposed in each different passage (3) defined by each of the plurality of adjacent projections (25), wherein each twisted pair conductor (9, Fig 4a) has a first conductor (top 7) surrounded by an first insulation (top 8) and a second conductor (bottom 7) surrounded by a second insulation (bottom 8), wherein the first and second insulated conductors (top and bottom 7 & 8, respectively) are twisted about each other to form a twisted pair conductor (9). With respect to claim 12, Ikeda discloses that the passage (3) is a groove (Page 6, line 8). With respect to claim 13, Ikeda discloses that the projection (25) is an arm (Fig 1).

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Allowable Subject Matter

11. Claims 1, 5, and 8 are allowed.

12. The following is an examiner's statement of reasons for allowance: This invention deals with a data cable comprising an interior support wherein the support has a cylindrical longitudinal extending central portion, a plurality of splines radially extending from the central portion along a length wherein the splines have a triangular cross-section with the base of the triangular forming part of the central portion (Claim 1).

While Ikeda discloses that the overall spacer may be of any shape, Ikeda is silent to what shape the projections may have, besides the projections shown in the figures.

Also, based on the amendment submitted on January 18, 2002, which encloses a declaration under 1.131, in which the applicant swears that the claimed invention thereof was prepared prior to the September 15, 1995 (priority date of Prudhon reference 5,952,615), most of the relevant prior art cannot be utilized. Therefore, the cited claim limitations, in combination with other claim limitations, is not taught or suggested by any of the prior art references of record.

Communication

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30 a. m.-6:00 p.m.(alternating Friday's off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'WHM III', with a stylized flourish extending to the right.

WHM III
June 17, 2002